



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,001	11/30/2001	Toshiteru Takano	914-146	7244

7590 03/11/2005

NIXON & VANDERHYE P.C.  
8th Floor  
1100 North Glebe Road  
Arlington, VA 22201-4714

EXAMINER

CHILCOT, RICHARD E

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

**Application No.**

09/997,001

**Applicant(s)**

TAKANO, TOSHITERU

**Examiner**

Richard E. Chilcot, Jr.

**Art Unit**

3627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-8 and 11-15, and 18-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Allen (WO 9735311). Applicant's attention is invited to page 12, line 5 through page 13, line 23, page 17, lines 8-28, and page 37, line 4 through page 45, line 24.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 3, 9, 10, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (WO 9735311) in view of Jacobi et al. (6,317,722).

As noted above, Allen teaches all the features of the claimed invention with the exception of the second terminal storing information of recommended content programs to the prescribed memory, as set forth in claims 2, 9 and 16 of the instant application. On the other hand, Jacobi et al. is submitted to teach such a feature. Applicant's attention is invited to the abstract of the disclosure as well as col. 2, line 33 through col. 4, line 34. Accordingly, to provide the second terminal of Allen with stored second terminal information of recommended content programs to the prescribed memory, as suggested by Jacobi et al., would have been obvious for one having ordinary skill in the art at the time of the invention. The motivation for such a change would have been to increase the revenue of the merchant as well as aid the shopper in making additional selections.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (WO 9735311) in view of Simon et al. (6,055,314).

Allen teach all the features of the claimed invention with the exception of the first terminal storing the content program and a key necessary for reading the content program simultaneously in said prescribed memory; and the second terminal executes the process for disabling reading of the content program stored in said prescribed memory by destroying the key. However, Simon et al. is submitted to teach such a feature; in particular col. 2, line 26 through col. 3, line 51. Accordingly, to provide Allen with the first terminal storing the content program and a key necessary for reading the

content program simultaneously in said prescribed memory; and the second terminal executes the process for disabling reading of the content program stored in said prescribed memory by destroying the key, as suggested by Simon et al., would have been obvious for having ordinary skill in the art at the time of the invention. The motivation for such a change would have been that all long-term keys are easily revocable by the video content provider. This ensures that any successful attack at one specific system component can be contained.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

...Marconcini et al., note the method of securely providing data to a user's system over a broadcast infrastructure. The method comprising the steps of: encrypting the data using a first encrypting key; encrypting a first decrypting key using a second encrypting key; dividing at least part of the encrypted data into a series of logical packages; placing at least some of the logical packages into a broadcast carousel for cyclical broadcast over the broadcast infrastructure; broadcasting the packages in broadcast carousel so that they can be received by at least one user's system, wherein the broadcast is cyclical and repeats periodically; and transferring the encrypted first decrypting key, which has been encrypted with the second encrypting key, to the user's system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard E. Chilcot, Jr. whose telephone number is 703-305-4716. The examiner can normally be reached on 5/4/9 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard E. Chilcot, Jr.  
Primary Examiner  
Art Unit 3627